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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH**

JOHN WEBER; GAYLE WEBER; CLUB
FITNESS, INC.; PETER ROSS WEBER;
YOLANDA ALTAGRACIA COSME DE
WEBER; COMPOSTELA LIMITED, LLC;
DAVID ELTON; ALYCE WEBER; JAMES
BLAISDELL; BRYSON OCKEY; KRISTINE
OCKEY; CLAUDIA GRIFFIN; ERIC
STAMM; THE BETTY L. GRIFFIN 1999
REVOCABLE TRUST;

Plaintiffs,

v.

COLLIERS INTERNATIONAL GROUP,
INC.; COLLIERS INTERNATIONAL
HOLDINGS (USA), INC.; COLLIERS
INTERNATIONAL INTERMOUNTAIN,
LLC; KEVIN LONG; MILLCREEK
COMMERCIAL PROPERTIES, LLC;
MILLROCK INVESTMENT FUND 1, LLC;
MILLROCK INVESTMENT FUND 1
MANAGEMENT, LLC; BLAKE
MCDUGAL; SPENCER TAYLOR;
SPENCER STRONG; BRENT SMITH;

**DECLARATION OF ANDREW G. DEISS
IN SUPPORT OF MOTION FOR
ADDITIONAL TIME TO SERVE
AMENDED COMPLAINT**

Case No. 2:25-cv-00162

Judge David Barlow

Magistrate Judge Dustin B. Pead

MARK MACHLIS; GREEN IVY REALTY, INC.; 13 INVESTMENTS, LLC; LADY MIRA BLUE MACHLIS; THOMAS SMITH; LEW CRAMER; MATTHEW HAWKINS; GIL BOROK; DAVID JOSKER; JERALD ADAM LONG; KGL REAL ESTATE DEVELOPMENT, PLLC; SMART COVE, LLC; GTR HOLDINGS, LLC; LONG HOLDINGS, LLC; KGL ADVISORS, LLC; MARY STREET; CAMS REALTY, LLC; MOUNTAIN WEST COMMERCIAL, LLC; STEVE CATON; SARC DRAPER, LLC; ROBERT M. LEVENSON BLACKACRE 1031 EXCHANGE SERVICES LLC; ADP-MILLCREEK 2, LLC; ADP-MILLCREEK 3, LLC;

Defendants.

I, Andrew G. Deiss, make the following declaration:

1. I am above the age of 18 and a resident of the state of Utah
2. I am lead counsel for Plaintiffs in this action.
3. Since Plaintiffs' last motion in this action to extend time to serve the remaining Defendants, I have supervised efforts at Deiss Law to serve these remaining defendants.
4. These efforts, as described herein, included research and review of publicly available information to determine suitable service addresses, communications with counsel believe to represent certain Defendants, and securing the services of

process servers and private investigators in order to locate and serve the remaining Defendants.

5. Since Plaintiffs' last motion in this action to extend time to serve the remaining Defendants, Plaintiffs have successfully served Colliers International Holdings (USA), Inc.) Brent Smith, GTR Holdings LLC, and Millrock Investment Fund 1. Exhibit A, Exhibit D, and Exhibit E.

6. Successful service was made on Defendants Brent Smith, GTR Holdings, and Millrock Investment Fund 1 on July 29, 2025, by process server engaged by Plaintiffs Wasatch Constables. Exhibit A, Exhibit D, and Exhibit E.

7. Successful service was made on Colliers International Holdings (USA), Inc. on July 27, 2025 by process server Wasatch Constables engaged by Plaintiffs.

8. To serve Colliers International Group, Inc., and Matthew Hawkins, my office contracted a process server, ABC Legal Services, on or about July 21, 2025.

9. Both these Defendants, to my understanding, are located internationally in Toronto, Ontario, Canada.

10. As of the present date, my office has not yet received a return of service for either of these Defendants.

11. However, on August 1, 2025, counsel for Colliers International Intermountain, LLC contacted my office and indicated that Colliers International Group, Inc. had been served on July 23, 2025.

12. For the avoidance of doubt, and because my office has not received returns of service to file, Plaintiffs are seeking an extension with respect to Colliers International Group, Inc., nevertheless.

13. To serve Defendants David Josker and Gil Borok, my office engaged a process server, Wasatch Constables, to attempt to serve these Defendants individually at Colliers' offices at 6324 Canoga Ave, Woodland Hills, CA 91367 on July 23, 2025. Exhibits B & C.

14. Multiple service attempts were made on David Josker on July 26, July 27, July 28, and July 29, at varying times of day, but was unsuccessful each time. Exhibit B.

15. Multiple service attempts were made on Gil Borok on July 26, July 27, and July 28, at varying times of day, but was unsuccessful each time. Exhibit C.

16. On July 21, 2025, my office contracted a private investigator at Salt Lake Investigations to perform address searches for Steve Caton, SARC Draper LLC, Jerald Adam Long, and Long Holdings. The results of that investigation are still pending.

17. Service to Lew Cramer was not attempted in Utah because my office learned that he is no longer living in Utah. To our knowledge, he is currently living in the United Kingdom. We are exploring options to determine a suitable address or other means of serving him.

18. My office engaged a process server, Wasatch Constables, to continue to attempt service on Defendants KGL Advisors, LLC; KGL Real Estate Development, PLLC;

Long Holdings, LLC; Millcreek Commercial Properties, LLC; Millrock Investment Fund 1 Management, LLC; ADP-Millcreek 2, LLC; and ADP-Millcreek 3, LLC, through its principal, Defendant Kevin Long, who has already been served through his counsel.

19. On prior attempts, the process server had located Mr. Long's wife at his residence, but chose not to serve her. I instructed my staff to ask the process server to serve her if possible.

20. Further attempts were made on July 23, 2025, and July 31, 2025 by Wasatch Constables, the process server engaged by Plaintiffs, but were unsuccessful. Further attempts are ongoing.

21. My office attempted to serve Defendant Thomas Smith by contacting counsel identified by Mr. Smith's prior counsel, John Keiter, as Mr. Smith's current counsel. This counsel indicated, however, that he could not accept service.

22. My office then contracted a process server, Wasatch Constables on July 23, 2025, to serve Mr. Smith personally at his residence. Multiple attempts have been made, specifically on July 30 and 31, and are ongoing but thus far have been unsuccessful at that location.

23. Despite engaging a private investigator to locate Defendants Robert Levenson and Blackacre 1031 Exchange Services, Plaintiffs have thus far been unable to locate these Defendants, and intend to move for alternative service on these Defendants.

I declare under penalty of perjury that the foregoing is true and accurate to the best of my knowledge, information, and belief.

/s/Andrew G. Deiss
Andrew G. Deiss
Counsel for Plaintiffs